



Substitute House Bill No. 7131

Public Act No. 17-57

***AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS
FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46b-215e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) Notwithstanding any provision of the general statutes, whenever a child support obligor is institutionalized or incarcerated, the Superior Court or a family support magistrate shall establish an initial order for current support, or modify an existing order for current support, upon proper motion, based upon the obligor's present income and substantial assets, if any, in accordance with the child support guidelines established pursuant to section 46b-215a. Downward modification of an existing support order based solely on a loss of income due to incarceration or institutionalization shall not be granted in the case of a child support obligor who is incarcerated or institutionalized for an offense against the custodial party or the child subject to such support order.

(b) In IV-D support cases, as defined in section 46b-231, when the child support obligor is institutionalized or incarcerated for more than ninety days, any existing support order, as defined in section 46b-231,

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shall be modified to zero dollars effective upon the date that a support enforcement officer files an affidavit in the Family Support Magistrate Division. The affidavit shall include: (1) The beginning and expected end dates of such obligor's institutionalization or incarceration; and (2) a statement by such officer that (A) a diligent search failed to identify any income or assets that could be used to satisfy the child support order while the obligor is incarcerated or institutionalized, (B) the offense for which the obligor is institutionalized or incarcerated was not an offense against the custodial party or the child subject to such support order, and (C) a notice in accordance with subsection (c) of this section was provided to the custodial party and an objection form was not received from such party.

(c) Prior to filing an affidavit under subsection (b) of this section, the support enforcement officer shall provide notice to the custodial party in accordance with section 52-57 or by certified mail, return receipt requested. The notice shall state in clear and simple language that: (1) Such child support order shall be modified unless the custodial party objects not later than fifteen calendar days after receipt of such notice on the grounds that (A) the obligor has sufficient income or assets to comply with the support order, or (B) the obligor is incarcerated or institutionalized for an offense against the custodial party or the child subject to such support order; and (2) the custodial party may object to the proposed modification by delivering a signed objection form, or other written notice or motion, indicating the nature of the objection or grounds of the motion, to the support enforcement officer not later than fifteen calendar days after receipt of such notice. Upon receipt of any objection or motion, the support enforcement officer shall promptly arrange with the clerk of the Family Support Magistrate Division to enter the appearance of the custodial party, set the matter for a hearing, send a file-stamped copy of the objection or motion to the IV-D agency of the state to whom the support order is payable, and notify all parties of the hearing date set. The court or family support

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magistrate shall promptly hear the objection or motion and determine whether the child support order should be modified in accordance with subsection (b) of this section.

(d) A support order that is modified in accordance with subsection (b) of this section shall be reinstated to the prior support amount ninety days after the obligor is released from such institutionalization or incarceration, provided a support enforcement officer files an affidavit in the Family Support Magistrate Division that provides: (1) The date such obligor was no longer institutionalized or incarcerated; and (2) a statement by such officer that notice, in accordance with subsection (e) of this section, was provided to the child support obligor, and an objection form was not received from such obligor.

(e) Prior to filing an affidavit under subsection (d) of this section, the support enforcement officer shall provide notice to the child support obligor in accordance with section 52-57 or by certified mail, return receipt requested, or by first class, postage prepaid mail to the Connecticut correctional facility in which the obligor is incarcerated. The notice shall state in clear and simple language that: (1) Such child support order shall be reinstated to the previous support amount effective ninety days after the date of the obligor's release unless the obligor objects prior to the ninetieth day to such reinstatement on the grounds that the obligor has insufficient income or assets to comply with the support order; and (2) the obligor may object to the proposed reinstatement by delivering a signed objection form, or other written motion, indicating the nature of the objection or the grounds for the motion, to the support enforcement officer prior to the ninetieth day after the obligor's release date. Upon receipt of the objection or motion, the support enforcement officer shall promptly arrange with the clerk of the Family Support Magistrate Division to enter the appearance of the obligor, set the matter for a hearing, send a file-stamped copy of the objection or motion to the IV-D agency of the state to whom the

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support order is payable, and notify all parties of the hearing date set. The court or family support magistrate shall promptly hear the objection or motion and determine whether the child support order should be reinstated or otherwise modified in accordance with the child support guidelines established pursuant to section 46b-215a. Any objection filed in accordance with this section shall constitute a proper motion to modify a child support order.

Approved June 20, 2017